**HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**W.P.No.1088 of 2003**

**Dated 11th day of July, 2007**

Between:

Water Users Association,
Pedda Tank, Chittivalasa, Visakhapatnam,
rep. by its President, Sivanjaneya Reddy .. Petitioner

And

The District Collector,
Visakhapatnam District
and four others ..
Respondents

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**O R D E R**:

This writ petition is filed to quash the Proceedings dated 25.11.2002 issued by the 1st respondent-District Collector and direct him to permit the petitioner-association to maintain Pedda Cheruvu of Chittvalasa village by raising resources and reaping the yield of Pedda Cheruvu and to protect the environment.

The case of the petitioner-association in brief is that its members are the ayacutdars and farmers of Chittivalasa village and they have every right to maintain minor irrigation tank i.e. Pedda Cheruvu which consists of Ac.94.56 cents of Ayucut. Now, the petitioner's grievance is that the 1st respondent, in his proceedings dated 25.11.2002, granted lease of fishing rights of Pedda Cheruvu in favour of 5th respondent-Inland Fishermen Cooperative Society.

Heard the learned counsel for the both the parties and perused the material placed on record.

This Court, on 5.4.2004, refused to grant interim order on the ground that in the absence of any order passed by the competent authority granting lease in favour of the petitioner-association, it cannot claim or acquire any leasehold right of fishing over the water sources.

Therefore, in the absence of any order by the competent authority granting permission to the petitioner-association, this Court is of the view that the petitioner-association cannot claim fishing rights over Pedda Cheruvu at this length of time.

Hence, I see no merits in this writ petition, and the same is dismissed. However, if the petitioner gets lease, it is always open for it to claim right over the tank. No costs.

bcj 11.07.2007